



# **TEDICORE Submission to the Productivity Commission Review of Australia's Consumer Policy Framework**

## **1. Background**

TEDICORE (Telecommunications and Disability Consumer Representation) welcomes the opportunity to provide input into the Productivity Commission's Review of Australia's Consumer Policy Framework.

TEDICORE is the voice of Australia's peak organisations of people with disabilities on telecommunications and is supported by the Commonwealth through the "Grants to Fund Telecommunications Consumer Representations" program of the Department of Communications, Information Technology and the Arts. TEDICORE is auspiced by the Australian Federation of Disability Organisations. It aims to advance and represent the interests of people with a disability in relation to telecommunications issues and promote equity and accessibility. A Project Advisory Body with members from peak disability bodies such as Australian Association of the Deaf, Deafness Forum of Australia, Physical Disability Council of Australia, Women With Disabilities Australia, Communication Rights Australia and Blind Citizens Australia ensure that there is broad representation.

## **2. Introduction**

People with disabilities rely heavily on telecommunications for security as well as social, educational and work activities. Information technology and telecommunications is an avenue for people with disabilities to be part of the community in ways that otherwise would be very difficult. For people who are blind, access to the Internet using with screen reading software opens up a world of information and entertainment that was previously unavailable. On the other hand, if systems are not designed and provided to meet requirements of equity and accessibility, people will be shut out from information and communications technologies. This may be in the form of inaccessible website design or terminals and handsets that do not meet the access needs of people with disabilities. It could be too small buttons or screens on mobile phones for those with vision loss or arthritis, no volume control for people with hearing loss or no speech output of menus and SMS for blind people.

Other barriers are mobile devices unusable by people with hearing impairments or speech

impairments due to interference to hearing aids, incompatibility with augmentative communications devices or inadequate video quality for Deaf people using sign language on 3G mobile phones.

Appropriate legislation and regulation, together with a well-funded consumer participatory process, can address these inequities.

A sensitively balanced consumer policy framework providing adequate safeguards is essential for people with disabilities to contribute to the community.

People with disabilities comprise 20% of the population according to the Australian Bureau of Statistics (2005). As our population ages, the number of people with functional limitations will increase.

People with disabilities live in all areas of Australia, conduct their own businesses, work in the government, commercial and community sector and span a broad range of occupations and interests. People with disabilities are students, employees and employers. In other words, people with disabilities are an integral part of Australian society and can contribute significantly to Australia's economy and are keen to participate in the digital economy.

It is important to remember that the United Nations Convention on the Rights of Persons with Disabilities specifically refers to the importance of access to information and communications technologies for people with disabilities (Article 4, g & h and Article 9, 1b). In addition, the Convention preamble states that “(o) *Considering* that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them”.

This submission therefore centres on the need for well-resourced and equitable consumer representation at all levels of regulatory and policy development for key industry sectors.

### **3. Ways to address the imbalance**

#### **3.1 Consumer representation**

Many consumer organisations state that there is an imbalance in the representation and influence of industry organisations in relation to consumer-represented bodies.

For example, the resources available to industry and industry organisations are significantly higher than those of consumer organisations for representing their views. In the case of telecommunications, consumer organisations rely on Government funding for representation that has remained static and in real terms, declined over the past ten years.

There are limited training and mentoring opportunities for representatives. The vast majority of representatives see a need and are not employed to do this work. Generally it is done on a voluntary basis and has to be fitted in between employment and study commitments with limited opportunities to learn all the complexities of the technology let alone the legislative and regulatory regime. Therefore, it is important that resourcing is made available for a focused training program so that consumer representatives are more effective in their roles.

The balance between the number of industry and consumer representatives on key committees needs to be reconsidered.

For example, in the majority of working groups and committees of Communications Alliance, there are either none or a maximum of two consumer representatives with the remaining members being from industry or in some cases from Government or the regulators. Examples of this are the Customer Equipment and Cabling Reference Panel and the Voice over IP Working Group, the outcomes of which are of vital importance to consumers. Communications Alliance has a Consumer Council and a Disability Council but these are merely advisory bodies. Neither the Chair of the Consumer Council or the Disability Council were included in developing the Strategic Plan for the Communications Alliance. Obviously, the Strategic Plan has major impact on the direction of code and standards development in future.

Another example is the reduction of consumer representation on the government communications regulator, the Australian Communications and Media Authority (ACMA). Previously, consumer representatives were part of the Australian User Standardisation Advisory Group (AUSTAG) that provided input into international standards work. This is important as Australia is considered as a standards-taker and therefore having influence into international standards development will benefit Australians. The Consumers Telecommunications Network (CTN) with input from TEDICORE provided the impetus for the development of guidelines within the International Telecommunications Union (ITU-T) on user involvement in standards-making. It is ironic that AUSTAG has been disbanded and while Australia led the way internationally in developing the guidelines, it is much more difficult to show by example the process described in the guidelines in Australia anymore.

ACMA's Emergency Call Service Advisory Committee is another example where there previously was a consumer representative but this is no longer the case. Naturally, emergency services are of vital importance to all consumers but especially to people with disabilities who may often be more vulnerable.

This is in contrast to current work being done by the Attorney-Generals Department on the National Forum on Emergency Warnings to the Community. This Forum brings together key stakeholders from emergency services from all levels of government as well as disability representatives and other community members. The organisers of the first meeting of the Forum ensured that there was good involvement and representation. Consumer stakeholders were supported and felt part of the process right at the outset.

The implication of this imbalance in many sectors of the telecommunications sector is that key decisions affecting consumers with disabilities are made without consumer representatives participating in the decision-making process. TEDICORE wishes to emphasise that consumer participation should be more than token consultation.

### **3.2 Policy and legislation**

There are many issues where TEDICORE feels that policy, regulation and legislation can be improved to reduce disadvantage for consumers with disabilities. While the examples below are not exhaustive, they indicate the breadth and variety of areas that impact on people with disabilities.

### **3.2.1 Disability equipment provision**

The current legislative arrangements provide some safeguards for consumers with disabilities but do not adequately meet the needs of people with disabilities who are thus further disadvantaged.

For example, the Telecommunications (Consumer Protection and Service Standards) Act 1999 states that the Universal Service Provider must provide equipment in the supply of the Standard Telephone Service that meets the needs of people with disabilities in order to comply with the Disability Discrimination Act 1992.

Telstra currently provides a Disability Equipment Program for TTYs, big button phones and other equipment. Optus provides a smaller equipment scheme. These programs provide an essential service to customers with disabilities. Telstra also has a wholesale arrangement with its resellers. However, often these resellers' customer service departments do not know about these arrangements. It means that most often customers with disabilities remain with the two major service providers and do not gain the benefits of competition by being able to choose a provider based on service, quality or locality. TEDICORE has called for an independent disability equipment program so that a consumer with a disability can choose any service provider and still obtain the equipment necessary for equitable communication.

### **3.2.2 Discounts for equitable access**

Disadvantaged people with disabilities are faced with considerable additional costs in managing their disability. On top of that, an essential service such as telecommunications can be costly. Other countries, such as South Korea and Japan have discounts of up to 50% in usage of broadband and mobile phones by people with disabilities. TEDICORE calls on the Commonwealth Government to reduce the digital divide by introducing discounts to people with disabilities so that they can be equitable partners in the information economy.

### **3.2.3 Accessibility and public procurement policy**

There is an international trend towards including accessibility criteria in public procurement policy. This was initiated in USA with the amendment of Section 508 of the Rehabilitation Act 1973 which stipulated that federal government employees with a disability should have the same opportunities in the workplace as their able-bodied peers. To achieve this, the workplace needed to be more accessible in terms of information and communications technology. Therefore, accessibility was built into public procurement policy and suppliers were advantaged if they incorporated accessible features in their products.

Guidelines were developed to assist government procurement officers and suppliers to meet these goals. Currently, these guidelines are being extensively revised and extended in what is expected to have a major impact beyond USA.

The European Commission has a Public Procurement Directive incorporating accessibility and is taking part in the U.S. revisions of the Section 508 Guidelines as well as directing European standards bodies to develop appropriate guidelines.

Japan has also developed public procurement policies with regard to accessible ICT.

TEDICORE is concerned that Australia needs to develop similar policies so that it does not become the "dumping ground" for inaccessible products not able to be sold in other developed countries.

The Human Rights and Equal Opportunity Commission in its Inquiry into employment for people with disabilities recommended that the Commonwealth and State governments should adopt accessibility criteria in public procurement policies.

This is not only a matter of social justice but of economic importance. Access Economics, in a recent report, estimated that in 2005 the potential lost taxation revenue of people with hearing loss due to their reduced paid workforce participation would be \$2 billion (p. 55).

## **4. Conclusion**

A consumer policy framework must be fair for people with disabilities in order for us to equitably participate in the community.

To achieve this, there needs to be respect for the input of and participation by consumers in the legislative and regulatory process. This needs to be well-resourced and supported by Government and industry to ensure that there is a balance between consumer and industry requirements.

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